

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 10-51920

MARIO SAPUTO,

Chapter 7

Debtor.

Judge Thomas J. Tucker

ORDER DENYING DEBTOR'S MOTION TO REOPEN CHAPTER 7 CASE

This case is before the Court on Debtor's motion entitled "Debtor's Ex-Parte Motion to Re-Open Case to Allow Debtor to Add Creditor" (Docket # 15, the "Motion). The Motion seeks to reopen the case for the purpose of "amend[ing Debtor's] Schedules to include the second debt of Chase Bank (2nd mortgage) to discharge the same on a home that was surrendered prior to the filing of the bankruptcy petition." The Court concludes that a hearing on the Motion is not necessary.

Upon review of the case, it appears that this was a "no-asset" Chapter 7 case. As a result, it is unnecessary to reopen this case merely to enable Debtor to amend his schedules to separately list a debt of a creditor (a second mortgage) that was apparently scheduled previously, but lumped together with another debt owed to the same creditor (a first mortgage). Because this was a no-asset case, even an unscheduled debt generally is discharged to the same extent it would be discharged if it had been scheduled. *See In re Madaj*, 149 F.3d 467 (6th Cir. 1998). Here, any prepetition debt owed to Chase Home Finance (or Chase Bank) has been discharged under 11 U.S.C. § 727(b), and any attempt to collect this debt would violate the discharge injunction under 11 U.S.C. § 524(a)(2).

Because it appears that reopening this case for the purpose stated by the Motion would serve no useful purpose, the Motion must be denied. This Order is without prejudice to Debtor's

right to file a timely motion for reconsideration or to file a new motion to reopen, if he believes that cause exists to reopen this case notwithstanding the Sixth Circuit's decision in *Madaj*, and explain what that cause is. Accordingly,

IT IS ORDERED that the Motion (Docket # 15), is denied.

Signed on July 06, 2015

/s/ **Thomas J. Tucker**
Thomas J. Tucker
United States Bankruptcy Judge